

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,
vs.
MOTOROLA, INC., et al.,
Defendants.
MOTOROLA MOBILITY, INC., et al.,
Plaintiffs,
vs.
MICROSOFT CORPORATION,
Defendants.

Case No. C10-1823-JLR

(Proposed) ORDER GRANTING
MICROSOFT CORPORATION'S
MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY

NOTED: Friday, April 13, 2012

This matter came before the Court on Microsoft's Motion for Summary Judgment of Invalidity.

The Court has considered the following pleadings:

1. Plaintiff Microsoft Corporation's Motion for Summary Judgment of Invalidity;
2. Declaration of Douglas I. Lewis in Support of Microsoft Corporation's Motion for Summary Judgment of Invalidity and the exhibits thereto;

(Proposed) ORDER GRANTING MICROSOFT
CORPORATION'S MOTION FOR SUMMARY
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Case No. C10-
1823-JLR

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3. (Proposed) Order Granting Microsoft Corporation's Motion for Summary
Judgment of Invalidity;

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The Court therefore deems itself fully advised. Now, therefore,

IT IS ORDERED that Plaintiff Microsoft Corporation's Motion for Summary Judgment
of Invalidity is GRANTED.

The Court finds that the Motorola patents in suit, U.S. Patents 7,310,374, 7,310,375,
and 7,310,376 (the '374, '375, and '376 patents, respectively), describe only general purpose
devices for implementing the "decoding" and "using" functions in the means plus function
claim elements in independent apparatus claims 14 of the '374 patent, 13 of the '375 patent,
and 22 of the '376 patent (and apparatus claims 15-18 of the '374 patent, 14 and 16 of the '375
patent, and 23, 26-28 of the '376 patent, which are dependent on those claims) ("the Asserted
Apparatus Claims"). These means elements therefore require disclosure of an algorithm for
performing these functions. The patents disclose no algorithm for the decoding or using
functions and are therefore invalid.

For these reasons, the Asserted Apparatus Claims are invalid under 35 U.S.C. § 112,
¶ 2 for indefiniteness.

DONE IN OPEN COURT this ___ day of _____, 2012.

HONORABLE JAMES L. ROBERT

1 Presented by:

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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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